

**REMARK**

Applicants respectfully request reconsideration of this application in light of the below remarks. No claims have been added, amended, or cancelled. Therefore, claims 1-20 are present for examination.

**35 U.S.C. §103 Rejection****Beyond.com in view of Bezos et al.**

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Beyond.com in view of Bezos et al. (U.S. Patent No. 6,039,252, hereinafter "Bezos").

**Beyond.com** discloses a website for selling software that allows customers to evaluate software titles that they purchase.

**Bezos** discloses an online referral/marketing system that enables individuals and other business entities ("associates") to market products that are sold from a merchant's Web site. In return, the associate is given a commission. Merchant web sites comprise products to be sold, and also allow associates to register on their web sites. Associates set up a web site to distribute hypertextual catalog documents that include marketing information about selected products of the merchant, along with a referral link that allows a user ("customer") to link to the merchant's site to purchase the product. When a customer selects a referral link, the customer's computer transmits unique IDs of

the selected product and of the associate to the merchant's site, allowing the merchant to identify the product and the referring associate. If the customer subsequently purchases the product from the merchant's site, a commission is automatically credited to an account of the referring associate.

For at least the reasons discussed below, the Applicants respectfully disagree with the Examiner's rejection. First, neither Beyond.com nor Bezos, individually or in combination, discloses each and every element of the Applicants' invention as recited by claims 1-20. In particular, neither one discloses, at the least, the following elements:

- determining a community rating for a user;
- maintaining a characteristic value for each user;
- maintaining a set of relationships between the users;
- deriving a community rating for a user by performing a function on the characteristic values of the users.

Since Beyond.com maintains ratings for products, not users, it does not teach or disclose any of the elements recited above, as these elements are each directed to ratings for a user. Bezos does not teach or disclose determining a community rating for a user, as it is directed to a referral system.

In the Office Action dated May 22, 2002, the Examiner stated that Beyond.com discloses "maintaining a characteristic value for each user" on page 1, paragraphs 2 and 3, where a characteristic value "is the quality of goods and

services". However, Beyond.com makes clear that its ratings system allows customers to rate software titles based on a scale of 0 to 5 stars in half-star increments. Beyond.com, therefore, does not maintain a characteristic value for users. Instead, Beyond.com maintains values for products.

Furthermore, the Examiner stated that while Beyond.com does not disclose maintaining a set of relationships between users, Bezos discloses such a relationship in column 1, lines 62-67 through column 2, lines 1-18, where the users form a referral network. First, Bezos is not directed to rating users - it is directed to a referral system, and does not teach or disclose any kind of a rating system related thereto. Furthermore, the Applicants respectfully contend that the Examiner has mischaracterized the network formed by Bezos. In Bezos, the network of associates formed is merely a collection of associates to whom merchants pay commissions. Bezos does not teach or disclose any concept of a relationship being formed amongst users (e.g., the associates), as would be required to begin to approach the Applicants' invention as recited by the claims. In summary, Bezos does not teach or disclose a rating system, and does not teach or disclose maintaining a set of relationships between users.

IS a  
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Secondly, Bezos and Beyond.com are not properly combinable since they are directed to solving different problems. Beyond.com is directed to an online ratings system for evaluating a product, while Bezos is directed to a referral/marketing system. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (Emphasis added.) See MPEP

2143.01. The Applicants respectfully submit that the combination of Bezos and Beyond.com are improper since neither reference suggests a desire to combine with the other, since each is directed to solving different problems, and neither would be motivated to using the other as a solution to its own problem.

Thirdly, even if Bezos and Beyond.com were combinable, which they are not, their combination does not produce the Applicants' invention as recited by claims 1-20. If a proposed modification would render the prior invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. See MPEP 2143.01. At best, the combination of Bezos and Beyond.com would produce a simple online ratings system for evaluating products, rather than people as required by the Applicant's invention as recited by the claims. Even then, this would be a simple rating system that lacks the element of maintaining relationships between the products.

Since neither Bezos nor Beyond.com, individually or in combination, teaches or discloses each and every element of the Applicants' invention as recited by the claims, since the combination of Bezos and Beyond.com is not proper, and since the combination would not produce the Applicants' invention as recited by the claims if properly combinable, it is respectfully requested that the rejection of claims 1-20 be withdrawn, and that claims 1-20 be allowed.

**Conclusion**

Applicants respectfully submit that the rejections have been overcome by the Amendment and Remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP**

Date: \_\_\_\_\_

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